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RESEARCH IN MOTION LIMITED and
RESEARCH IN MOTION CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RESEARCH IN MOTION LIMITED,
Plaintiff,
v.
VISTO CORPORATION,
Defendant.

Case No. C-07-3177 (MMC)

**DECLARATION OF PHILIP T. CHEN IN
SUPPORT OF RIM'S REPLY IN
SUPPORT OF MOTION TO STAY
PROCEEDINGS**

HEARING REQUESTED

Date: February 22, 2008

Time: 9:00 a.m.

Judge: The Honorable Maxine M. Chesney

AND RELATED COUNTERCLAIMS

1 I, Philip T. Chen, declare:

2 1. I am a partner with Kirkland & Ellis LLP, the law firm representing Research In
3 Motion Limited and Research In Motion Corporation (collectively "RIM") in the above-captioned
4 matter.

5 2. Attached hereto as **Exhibit 1** is a true and correct copy of an excerpt from the Manual
6 of Patent Examining Procedure at Section 2261.

7 3. Attached hereto as **Exhibit 2** are true and correct copies of excerpts from the case
8 docket sheet for *NTP, Inc. v. Research In Motion Ltd.*, No. 01-CV-767-JRS (E.D. Va.) indicating
9 that trial in that matter began on November 4, 2002 and ended on November 21, 2002, and that
10 RIM's motion to stay proceedings in light of director-initiated reexamination of NTP's patents was
11 filed on January 17, 2003.

12 4. Attached hereto as **Exhibit 3** is a true and correct copy of the Memorandum Opinion
13 and Order dated March 22, 2007 in *NTP, Inc. v. Palm, Inc.*, No. 06-CV-836-JRS (E.D. Va.), wherein
14 Judge Spencer granted Palm's motion to stay pending reexamination of the NTP patents.

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16 I declare under penalty of perjury that the foregoing is true and correct. Executed this 8th
17 day of February 2008 in Los Angeles, California.

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19 /s/ Philip T. Chen
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